

NEW BERN BOARD OF ADJUSTMENT MINUTES

March 31, 2008

The New Bern Board of Adjustment held a regular meeting on Monday, March 31, 2008 at 6:30 p.m. in the Planning Conference Room, 248 Craven Street.

Members present: Mr. Dean Knight, Chairman
Mr. Harry Gormley
Mr. Jerry Walker
Mr. John Reichenbach
Mr. James Bland
Mr. Edward Risty
Mr. Thomas Hardin
Mr. Dennis Sibole
Mrs. Doris Foy
Mr. Richard Scoppe
Mr. John Simmons (non-voting)
Mrs. Alfreda Kinsey (non-voting)
Mr. Gerald Stallings (non-voting)

Members Excused: None

Members Absent: None

Staff present: Mr. Bernard George, Land and Community Development Coordinator
Mr. Greg McCoy, Zoning Enforcement Officer
Mrs. Lorraine DiBella, Administrative Assistant
Lt Ronnie Lovick, Police Department

Minutes: Reading of the minutes from the regular meeting of December 17, 2007 was waived by unanimous consent and approved with motion by Mr. Gormley, second by Mr. Reichenbach and unanimous vote of the Board.

A prayer for guidance was given by Mrs. Foy. Several witnesses were sworn.

New Business:

- A. Consideration of Special Use Permit request to construct a thirteen (13) multi-family building complex consisting of 312 units, a pool and clubhouse, on a 29.59 acre tract located on NC Highway 43 (Washington Post Road) near the intersection of Honeycutt Court.**

Staff, Mr. McCoy, presented the application and stated that Empire Group, LLC desires to construct thirteen multi-family buildings consisting of 312 units with a pool and clubhouse on a 29.59 acre development located on NC Highway 43 (Washington Post Road) near the intersection

of Honeycutt Court. Staff further stated that Section 15-146 of the Land Use Ordinance requires developments exceeding two acres or multi-family residences having five or more units must obtain a Special Use Permit. The subject property is located within two zoning districts (R-6 & R-8 Residential Districts).

Staff stated that the proposed project went before the City's Departmental Review Committee on February 14, 2008. Avolis Engineering, the firm representing the owner, submitted revised plans reflecting the comments made by the City's Departmental Review Committee. Staff further stated that property was posted to advise the public of this hearing and property owners within 100' were mailed a written notice. Staff has not received any inquiries or calls in opposition to the project.

Staff recommends that the following conditions be placed on this request: A tree island be required for every ten parking spaces and developer must replace the Crape Myrtles with large canopy trees. Other than the above noted conditions, staff is not opposed to this Special Use request.

Applicant Comments: Mr. Joe Avolis, Avolis Engineering, stated he represents the developer Empire Group, who is a multi-family contractor out of Greensboro, North Carolina. He described the project, stating it will be an upscale 100% residential complex with a community clubhouse and pool. The 13 buildings are three floors with a mixture of one-, two- and three-bedroom units with the required percentage of handicap access apartments. He discussed the stormwater and drainage elements of the project in length and stated that two retention ponds are planned to handle overflow to avoid water spilling from this site into the adjoining neighborhoods. He further stated that vegetative buffers and a berm will be provided to help minimize noise and provide privacy to adjacent properties.

Mr. Avolis said he is not aware of any negative impacts the complex would create for adjoining neighbors. He is confident the project will enhance the community and add to property values. Streets are private except for the entrance road.

Public Comments: Glenn and Doris Demunck, 302 Briarwood Lane, asked to examine the drawings and questioned the distance from their property line to the nearest building at this site. They asked if developers will install a fence (no). They asked if a signal light would be installed at the entrance. Mr. Avolis stated DOT is disallowing a light.

Board Discussion: Mr. Bland asked Mr. Avolis to define "upscale." Mr. Avolis replied saying the buildings will be brick and well-landscaped. He discussed the amenities.

Mr. Walker asked about the berm which functions as an excellent buffer feature. Mr. Avolis said the City required the berm.

Mr. Reichenbach asked about the demographic of the potential lessee and whether the developers plan a playground or other amenity specifically for children. Mr. Avolis replied no but said there is an abundance of open space to be used for recreation. Sidewalks have been widened to 5' and a stub out was made for an eventual park on adjacent property owned by the City.

Discussion followed concerning the roads being maintained by the developer. The developer is providing an on-site manager. Police protection will be provided by the City and the required

parking spaces are provided.

Mr. Gormley asked why the City is replacing the Crape Myrtles. Mr. George explained that developments are prone to over-pruning Crape Myrtles and they always ask the developer to install the largest possible tree for the appropriate space. In this case, a larger tree is required for large planting spaces

Chairman Knight asked staff if the permit is within its jurisdiction according to the table of permissible uses. Mr. McCoy answered yes.

Chairman Knight asked if the application is complete. Mr. McCoy answered yes.

Motion by Mr. Reichenbach, seconded by Mr. Gormley, that the application is complete.
Motion carried unanimously.

Motion by Mr. Scoppe, seconded by Mr. Gormley, that the requested permit is within its jurisdiction according to the table of permissible uses.
Motion unanimously.

Motion by Mr. Sibole, seconded by Mr. Scoppe, that if completed as proposed in the application and as presented tonight, the project will comply with all of the requirements of the ordinance.
Motion carried unanimously.

Motion by Mr. Hardin, seconded by Mrs. Foy, that the use will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted.
Motion carried unanimously.

Motion by Bland, seconded by Mr. Gormley, that the use will not substantially reduce the value of adjoining or abutting property.
Motion carried unanimously.

Motion by Mr. Sibole, seconded by Mrs. Foy, that the location and character of the use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located and in general conformity with the plan of development of the City.
Motion carried unanimously.

Motion by Chairman Knight, seconded by Mr. Bland, to grant the special use permit with the following conditions:

- (1) The applicant/developer shall install one tree island for every ten parking spaces.
- (2) Crape Myrtle trees will be replaced with a larger canopy tree to be approved by staff.

Motion carried unanimously.

Mr. George reminded the board members about the appreciation banquet on April 17, 2008.

There was no further business and the meeting adjourned.

Chairman Dean Knight

Bernard George, Secretary